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3 **Entered on Docket**
4 **October 13, 2011**

A handwritten signature in black ink, appearing to read "R. B."

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Counsel for James M. Rhodes

14 *Local Counsel for the Reorganized Debtors*

15 **UNITED STATES BANKRUPTCY COURT**

16 **DISTRICT OF NEVADA**

17 In re

18 THE RHODES COMPANIES, LLC, aka
19 "Rhodes Homes," et al.,

20 Reorganized Debtors.

21 Chapter 11

22 Case No. BK-S-09-14814-LBR
(Jointly Administered)

23 **SCHEDULING ORDER REGARDING THE**
GREENWAY PARTNERS CLAIM AND
THE SCHEDULED CLAIMS

24 **Hearing Date: 9/27/2011**

25 **Hearing Time: 10:30 a.m. (PST)**
Courtroom 1

26 Affects all Debtors
27 Affects the following Debtors

28 James M. Rhodes ("Rhodes"), by and through his undersigned counsel, Fabian & Clendenin, P.C., and the above-captioned reorganized debtors (collectively, the "Reorganized Debtors"), by and through their undersigned counsel, Kolesar & Leatham and Akin Gump Strauss Hauer & Feld LLP, respectfully submit this Scheduling Order Regarding the Greenway Partners Claim and the Scheduled

1 Claims (as defined below) (the “Order”). Rhodes and the Reorganized Debtors are collectively referred
2 to herein as the “Parties.”

3 WHEREAS, on August 2, 2011, this Court held a hearing (the “Hearing”) regarding the
4 Reorganized Debtors’ objection to Rhodes’s proof of claim (the “Proof of Claim”) seeking, among
5 other things, \$868,849 allegedly advanced to Greenway Partners, LLC (the “Greenway Partners
6 Claim”) and continued the hearing with respect to certain Scheduled Claims unrelated to the Proof
7 of Claim. The Greenway Partners Claim and the Scheduled Claims are collectively referred to
8 herein as the “Remaining Claims”;

9 WHEREAS, the Hearing on the Remaining Claims was continued to September 27, 2011;

10 WHEREAS, on September 27, 2011, this Court heard further arguments with respect to the
11 Greenway Partners Claim and initial arguments regarding certain obligations reflected in the
12 Reorganized Debtors’ April 30, 2009 schedules of assets and liabilities—specifically, Rhodes
13 Homes Arizona’s alleged obligation to compensate Rhodes for certain services (the “Compensation
14 Claim”), Pinnacle Grading, LLC’s alleged obligation to make certain equipment rental payments to
15 Pinnacle Equipment Rental, LLC (the “Pinnacle Equipment Claim”), and Heritage Land Company’s
16 alleged obligation to repay Sedora Holdings, LLC for its payment of certain litigation expenses (the
17 “Sedora Claim” and, together with the Compensation Claim and the Pinnacle Equipment Claim, the
18 “Scheduled Claims”);

19 WHEREAS, on September 27, 2011 this Court heard arguments with respect to the
20 declaration of Christopher Stephens, filed on behalf of Rhodes (the “Declaration”);

21 WHEREAS, for the reasons set forth in the transcript, this Court sustained the Reorganized
22 Debtors’ objection as to the Pinnacle Equipment Claim and ordered that the declaration of
23 Christopher Stephens be stricken from the record;

24 WHEREAS, with respect to the Greenway Partners Claim, the Compensation Claim and the
25 Sedora Claim, this Court held that a material issue of fact remains with respect to whether or not
26 there was a course of conduct sufficient to establish the existence of a contract between the Parties;

27 WHEREAS, in furtherance of the Court’s ruling on September 27th, the Parties hereby set
28 forth the following:

1 IT IS HEREBY ORDERED THAT,

2 1. An evidentiary hearing with respect to the Greenway Partners Claim, the Compensation
3 Claim and the Sedora Claim has been scheduled for December 5, 2011 at 9:30 a.m. (PST).
4 2. The Parties shall agree on a proposed schedule with respect to pre-trial submissions and
5 shall present it to the Court for consideration.

6 **SUBMITTED BY:**

7 **KOLESAR & LEATHAM**

8 By: 

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16 and

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30 **APPROVED BY:**

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32 By: /s/ Kevin Anderson

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